IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL REVISION APPLICATION NO. 15 OF 2005
WITH
CIVIL APPLICATION NO. 85 OF 2006

Rev. Fr. Simpliciano N. Fernandes,
major in age, R/o. H.No.55,
Our Lady of Candelaria, Baina,
Vasco-da-Gama. .... Applicant

Versus

Mrs. Valentina D'Costa,
Major in age, r/o. Cosy apts.,
C, Wing, 2nd floor, Flat no.2,
Baina, Vasco-da-Gama. .... Respondent

Shri E.O. Mendes, Advocate for the Petitioner

Shri Joseph Rodricks, Advocate for the Respondent.

CORAM : **P.V. KAKADE, J.**

DATE : **27th NOVEMBER, 2006**

ORAL JUDGMENT :

Heard the learned Counsel for both the parties. Perused the record.

2. This is a petition against the order passed by the Civil Judge, Junior Division, Vasco, dismissing the application under Order VII Rule 11

of the Civil Procedure Code.

3. Without going into the merits of the matter, in the course of arguments advanced on behalf of the parties, prima facie, it appears that plaintiff requires to join other parties to the suit, for which purpose, the learned Counsel for the plaintiff-respondent seeks leave, which is granted in the interest of both the parties. Hence, the impugned order passed by the Civil Judge, Junior Division, Vasco is hereby set aside with direction that the matter is remanded to the trial Court. The plaintiff-respondent shall be allowed to join necessary parties, if so advised and the application Exhibit 10 shall be adjudicated afresh within a period of 6 months from the date of this order. The observations made herein under are without prejudice to either of the parties. With this direction, the revision petition stands disposed of with no order as to costs. Consequently, civil application no. 85 of 2006 also stands disposed of with no order as to costs.

P.V. KAKADE, J.

NH